

R E P O R T

OF THE

BOARD OF SWAMP LAND COMMISSIONERS,

AND

STATE ENGINEER,

Under Joint Resolution No. 105, Approved March 16th, 1858.

JANUARY, 1859.

BATON ROUGE:
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1859.

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To the Honorable the Senate and

House of Representatives of the State of Louisiana :

THE Joint Resolution No. 105, approved March 16th, 1858, appoints the State Engineer and the Commissioners of the several Swamp Land Districts Commissioners to inquire into the propriety of dispensing with the Internal Improvement Department, and in case the Department should be dispensed with, also to inquire what disposition should be made of the slaves and other property of the State now under the charge of the State Engineer.

The resolution provides, as a second matter, that the said Commissioners inquire into the expediency of uniting the Internal Improvement and Swamp Land Board in one single system, so as to embrace the objects of both Departments.

Under the first part of the resolution, the Commissioners have come to the unanimous conclusion that there is "no propriety in dispensing with the Internal Improvement Department." They beg leave to give some of the reasons which have led to this decision. The State now owns, according to the annual report of the State Engineer, ninety slaves and five snag and dredge boats, besides the equipments for the boats, and other property at the State Capital. The Engineer Department has, besides, under its control, five runaway slaves, received in accordance with law from the depot for runaway slaves at Baton Rouge. For the maintenance and management of this force of slaves and boats, and all incidental expenses and salaries of all officers, the yearly appropriations amount to \$35,500; that is, there is an appropriation of \$22,500 for the current expenses of the service, and another of \$13,000 for the salaries of officers and incidental expenses of office. With his officers, slaves, boats and funds above mentioned, the State Engineer has to execute all the works ordered by the Legislature for the improvement of navigation in all the streams

of the State that are navigable or susceptible of being made so. He has to construct public roads and to make all surveys and examinations necessary for the prosecution of his labors or the information of the Legislature. The works are of such a character that they cannot be carried on without the use of boats and machinery, and there is, by far, more to be done than is sufficient to keep the forces in constant employment. In fact, there never will be a time when we will have completed the improvement of our streams. It must be noticed, also, that many circumstances occur during the year which call for work at unexpected times and places. It is impossible to foresee and provide for these circumstances by furnishing other means of operation. But we shall go one step farther, and say that the Engineer Department, on account of the character of works done, is the most effective and economical system that can be adopted. Practice and experience into the improvements is absolutely necessary for their prosecution. A stream cannot be cleared of its obstructions without boats and machinery specially adapted for the purpose, and it is impossible to make any correct estimate of the labors necessary to make a stream navigable. Here it is not like building a levee or digging a canal, and many other matters: the work is not *measurable*; it cannot be measured before it is commenced, and cannot, in most cases, be measured after it is finished. One snag is invisible and may be afterwards found; its removal may occasion a hundred times more labor than fifty others, and it is often the case that the work done in removing one snag leaves no visible traces. We only *illustrate* by speaking of snags; any other obstructions might have been instanced. It must, therefore, be our conclusion, that as we can make no correct estimates, we necessarily could not make correct contracts. We would be in danger of either giving too much or not enough. In the first case, we would be squandering money; in the second, the work would be imperfectly done or would stop before its completion. But let us proceed. We set it down as not requiring demonstration, that slave labor is the surest and cheapest. It is the surest, because we have it entirely under our control; it is the cheapest, as is proven by the fact that every planter buys his own laborers. But placing the cost of State slave labor at the same rates as that of white men—placing, in this respect, all things equal, we still advance, and shall demonstrate that the present system is, by far, the cheapest under another point of view. The only other system that could be adopted would be that of letting all works by contracts. As before stated, the improvements of our streams cannot be made without the aid of boats and machinery. The first step, therefore, that a contractor would have to take, would be to procure a boat and the necessary apparatus. This would at once bring on him, even before he has commenced his operations, a very heavy outlay. When his work is completed he has a useless boat, which he invariably has to sell off at very

great sacrifices. The natural and inevitable consequence is, that he will, in fixing the amounts of his bids, place them high enough to compensate him for all losses and leave him a profit. This profit must also be counted as an extra charge. When the State does a work with her own forces no profit ensues; but a contractor *must* have one. Besides, in many cases, and in fact in all cases, when the contract would amount to a sum under twenty thousand dollars, no contractor can undertake a job with safety. He would have to lay out the amount of his contract in *preparations* for his work. For this, also, he will require remuneration, by enhancing his bids. It will be noticed that we enter thus far into no comparison of the absolute cost of labor under the two systems. We have admitted them to be the same, and yet we have already given sufficient reasons to establish that the contract system must be the most expensive one to the State. We now go farther, and say that, if all the works done yearly by the Engineer Department was let out by contract, the appropriations for them would have to be at least double the present expenditures. This is a declaration that scarcely can need demonstration. But putting aside the question of economy, we assert that the works done under the present system must be *better* done than under the system of contracts. And we sustain our assertion by saying that it must be evident that our managers and other officers have no interest whatever in doing their work imperfectly; they have, on the contrary, everything to gain, and nothing to lose, in doing it well. Is it so with a contractor? And have we not given above sufficient reason to show that, under certain circumstances, he would be either forced to slight his work or abandon it incomplete?

Without going farther into arguments to establish the inexpediency of parting with the slaves, boats and other property of the Engineer Department, we state that we cannot see that a more effective system could be established than the present one. We speak of it in its general features; it has the elements of efficiency. It will be seen below that we present for consideration some modifications.

It has not been supposed by this commission that, in desiring to abolish the Engineer Department, any one had intended that all the works on our streams should also cease to go on. We concluded that the inquiry of the Legislature was not that these works might be abandoned, but only if it was not practicable and more expedient to prosecute them otherwise. Surely no one would have the boldness to say to the people that they must no longer expect the State to improve their streams and roads. We have thought that the improvements must go on. We are aware that the Internal Improvement Fund of the Treasury, from which the Engineer Department is supplied, cannot much longer support it, and it does not come within the duty of this commission to advise in what manner the fund should be kept up. We say that the improvements must go on, and since they must go on, the providing of the means is a necessary con-

sequence, and the only remaining question is : "*What system will require the least means?*" We believe that we have established that that of having State boats, machinery and slaves is the most economical. If the State would build more boats and purchase more slaves, the system would soon give evidence that it is the correct one, by giving general satisfaction.

We now pass to the consideration of the second part of the joint resolution, which requires an inquiry into the expediency of uniting the Swamp Land Board and the State Engineer's Department in one system, embracing the objects of both.

The Swamp Land Board has for its duties, the reclamation and drainage of lands, and carries on its works by using the funds arising from the sales of lands donated to the State by the United States, under Acts of Congress of 1849 and 1850. These laws make it imperative on the State to use the moneys accruing from these lands for the special purpose for which they were denoted, and the present State Constitution has solemnly recognized this condition. (See Constitution, General Provisions, Art. 128.)

This of itself would seem to be a good reason to assign the reclamation and drainage of lands to a distinct Department. But there is also the additional consideration, that the two Departments have very different objects ; and besides, each has as much to do as it can perform. The question is, could one Department fulfil the duties of both ; or could it do so without having the works of one kind to interfere with the other ?

However, as it may occur sometimes, that the work done by one Department may come in contact with that of the other, and as the informations and knowledge of the two must often be of mutual advantage, this commission have agreed to present with this report a few suggestions, that may be incorporated in the laws now organizing the Departments. We suggest,

1st. That the State Engineer be appointed by the Governor, as now is the case ; but that he be appointed during the first session of each administration, for the term of four years, and that he take his office on the first day of April following his appointment and confirmation.

2d. That the State Engineer be made ex-officio President of the Board of Swamp Land Commissioners, with nothing but a casting vote at meetings of said Board ; except in all cases where there may be a conflict of operations of the two Departments, when he will have the right of discussion and a vote. In the same manner, when his projected works may interfere with those of the Swamp Land Board, he shall submit his designs to the joint Board, and the Swamp Land Commissioners shall have the right of discussion and a vote.

3d. That the State Engineer, besides being the custodian of the records, etc., of his own Department, shall also be that of the records,

etc., of the Swamp Land Board. He shall keep the papers of the two Departments separate and distinct ; shall be responsible for their safe-keeping and order ; and he shall, at all times, be ready to furnish all information that may be asked for from either of the Departments.

The above suggestions embrace the only union of the two Departments that this commission have agreed to recommend. It is left to the Legislature to provide for all details of law.

The Commissioners have, from what precedes, fulfilled what they deem strictly their duties under the Joint Resolution 105. But they have believed that, on account of their positions as Swamp Land Commissioners and State Engineer, and on account of the feeling that now exists, that something should be done to afford security against Mississippi overflows ; they may be expected, or at least permitted, to express their views with respect to a more efficient levee system.

The present system of levees is now briefly this, viz. : All the levees in the State, with the exception of those placed by law in a levee district above Red River, are under the control of the authorities of the several parishes, or, in other words, the several parishes are authorized by law, through the Police Juries, to enact all ordinances necessary to the building and keeping up of levees. Practically, the levees have been, heretofore, under the control of local authorities ; and farther, they have been built and kept up at the individual expense, either in labor or money, of the front or riparian proprietor. It is useless to explain here how the old Spanish laws, which granted to settlers on the banks of streams possession of the lands they protected by levees, although just in former times, and in force to-day, have become most unjust. It must be admitted by all, that there can be no justice in requiring that the riparian proprietor should alone bear the burden of the levees, when the rear proprietor is fully as much, and even more interested in being secured from overflows. But the justice or injustice of the present system is not its greatest defect. After years and years of efforts under it, it must be admitted that we have very little more protection at the present time than half a century ago. All past experiences teach that there are some radical defects in the system. Your commission are of opinion that these defects will be removed by placing all levees under the superintendence of officers who, by their appointment, position and authority, shall be independent of all influences, and who shall be clothed with full powers to act with decision, vigor and dispatch, under all circumstances. To create such officers, we see but one way that will be effective. It is to divide the inundating lands into levee districts, and leave it to the Governor to appoint, with the sanction of the Senate, a Superintendent or Commissioner for each District. This officer will have the appointment of all sub-officers. He shall be clothed with full powers to locate, alter, repair, etc., all levees in his district ; in fact, to do all work that may be necessary to establish substantial and secure levees throughout his dis-

trict. The only case in which he would not have plenary powers might be, when a proprietor would enter before him a formal complaint that he is aggrieved by the location of a levee. In such case, the Commissioner would appoint one arbitrator, the proprietor one, and those two a third ; this Board should have final decision in the case. But even a formal complaint should not delay the work beyond the time which the Commissioner would himself fix ; and in all cases, he can go on even before the arbitrators have rendered a decision, should he deem a delay dangerous. His powers should extend, also, to all ditches necessary to a proper drainage of all levees. All the District Commissioners should constitute a Board, (Levee Board,) for mutual consultation on general subjects ; but any one Commissioner should have power to do any work which he may project, without being compelled to obtain the sanction of the Board. The Board should be compelled to keep their central office in Baton Rouge, and the State Engineer should be the custodian of the records, documents, etc., of the Board. It is probable that at first the Swamp Land Commissioners, as at present organized, could properly be made Levee Commissioners ; secondly, the present district division might also be preserved, until such information be obtained by the Levee Commissioners as would be a guide to another division.

With respect to the means that would be necessary to carry on the the levee system, we suggest the following plan. We construe the Acts of Congress donating Swamp Lands to the State as having in view *all* levees, and that there can be nothing unconstitutional in applying a proper portion of the Swamp Land Fund to the construction and keeping up of all levees under a general system. As a matter of course, only a portion of the Fund could be so applied ; a due part must be reserved for the works of interior drainage. For the raising of additional means, we must recommend that an *ad valorem* tax be laid upon all lands subject to overflow ; this tax to be assessed and collected in the same manner as other taxes for the State, and to be paid into the State Treasury, to constitute what would be styled the THE LEVEE FUND.

It would probably be just to enact, that all moneys thus obtained from one district should belong especially to that district, and could not be used by another.

All moneys drawn by a Commissioner, should be on his warrant, properly approved and audited.

In conclusion, the undersigned have to express their regret that, on account of severe illness, the Commissioner of the Third Swamp Land District has not been able to join them in making this report.

(Signed)

A. DUPLANTIER, Com'r 1st District.

L. CALDWELL, " 2d "

E. B. TOWNE, " 4th "

LOUIS HEBERT, State Engineer.